

CITY COUNCIL MINUTES

December 12, 2011

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, December 12, 2011 at 6:00 p.m. with Mayor Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: William W. Kirby

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Associate Planner Lance Lowe, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Powers/ Holmes/ Approved 4:0 (Kirby absent)

CONFERENCE WITH LEGAL COUNSEL

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

(1) Existing Litigation:
(G.C. 54956.9(a))

Nature of Case: Public employees have filed an Unfair Practice Charge with the Public Employee Relations Board

Names of Parties: Stationary Engineers Local 39 and the City of Auburn

(2) Existing Litigation:
(G.C. 54956.9 (a))

Name of Case: Auburn Police Officers' Association v. City of Auburn et al.

Names of Parties: Petitioners: City of Auburn. Respondents: Auburn Police Officers' Association

Case No. C067972 (Third District Court of Appeal)

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Nesbitt read the commendation for the 100th Anniversary of St. Joseph's Church.

AGENDA APPROVAL

City Manager Robert Richardson requested item 14 to item to follow item 11 and Item 17 to follow item 13. The remainder of the agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION** approve City Council Minutes of 10/10/2011, 10/24/2011 and 11/14/2011.

2. **Quit Claim of a Sewer Lift Station Easement at 1650 Ridgeview Circle/ 805 Croman Point**

By **RESOLUTION 11-121**, authorize the Director of Public Works to record a Quit Claim of the old sewer lift station easement at 1650 Ridgeview Circle/ 805 Croman Point (APN 042-406-013 and APN 042-406-012).

3. **Surplus Equipment**

By **RESOLUTION 11-122**, declare as surplus to the City's needs the equipment listed on Exhibit A and Exhibit B and direct staff to contract with an auctioneer to assist the City in disposal of equipment or properly dispose of items.

4. **Highway 49 Relinquishment – Elm Ave**

By **RESOLUTION 11-123**, transfer the portion of Elm Ave. from the intersection of Elm Avenue and High Street to the beginning of the westbound on-ramp to 1-80 at Elm Ave. to the State of California exempting the structural portion of the Elm Ave. overpass already owned by the State and approve the project report prepared by Cal Trans titled "Elm Avenue Route Adoption to SR 49".

5. **Appointment of Economic Development Commissioner**

Removed from consent calendar.

6. **Aggressive Solicitation Ordinance: Gas Stations/ Second Reading**

Hold a second reading, by title only, and adopt an **ORDINANCE 11-09** amending Chapter 121 to the Auburn Municipal Code related to aggressive solicitations (panhandling) at gas stations.

7. **Corporation Yard Security Camera Project – Environmental and Award**

By **RESOLUTION 11-124**, find the Corporation Yard Security Camera Project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (c) Existing Facilities.

By **RESOLUTION 11-125**, authorize the Director of Public Works to execute a construction contract with Maxpower Electronics, Inc. for the Corporation Yard Security Camera Project in an amount not to exceed \$8,749.62.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar excluding item 5.
Council Member Hanley abstained from approval of the 10/10/2011 City Council Minutes due to his absence at that meeting.

MOTION: Holmes/ Hanley/ Approved 4:0 (Kirby absent)

5a. **Appointment of Economic Development Commissioner**

Council Member Powers said the nominee is in attendance and she wanted to recognize her before the Council.

Council Member Holmes said he is concerned with the transparency of the Economic Development Commission (EDC). He said their minutes were not readily available on the City's website. He said he is concerned with the lack of information in regards to the other candidate that had applied for this vacancy (Steve Galyardt).

Mayor Nesbitt spoke about the two candidates that applied and how the EDC came to their recommendation.

Council Member Hanley said the City Council has the final approval of an appointment to a commission, and he was unaware there was a second candidate.

City Manager Robert Richardson advised that both applications were to be sent to the City Council for review.

Council Member Powers said due to a career change and other circumstances, the other applicant was happy with the choice the EDC made to appoint Teri Tait-Wilson.

Council Member Holmes said he believes the other applicant would still like to be considered for this vacancy. He said he doesn't feel the EDC did their due diligence on making this nomination.

By **RESOLUTION 11-126**, appoint Teri Tait-Wilson to the Economic Development Commission as a Member At-Large with a term ending 12/31/2013.

MOTION: Powers/ Hanley/ Approved 4:0 (Kirby absent)

8. **Public Comment**

Council Member Holmes said the Old Town Business Association held their Country Christmas with a great turnout. He said the second Country Christmas will be held in Old Town on the 17th.

Mayor Nesbitt also commented about the successful Country Christmas held last weekend.

PUBLIC HEARINGS

9. **A Public Hearing to Consider a Rezone from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone for a 1.2 acre office complex at 461 Grass Valley Highway (File #RE11-3)**

Associate Planner Lance Lowe presented this item (information available in staff report). He said the Office Business Zone is one of the most restrictive zones in the City. This rezone will allow for retail business along with the current office businesses.

Mayor Nesbitt asked if there are any possible incompatible uses if rezoned (ABC license).

Lance Lowe said it could be possible to have a request for an ABC for a license in that area, but that ABC will typically request from the city whether it is appropriate land use on the property.

Council Member Hanley asked about fencing at the property.

Conduct a public hearing to introduce and hold a first reading, by title only, of an **ORDINANCE** to rezone property located at 461 Grass Valley Highway from the Office Business Zone to Regional Commercial Zone, which includes the following actions:

1. Adoption of a Categorical Exemption, prepared for the Rezone as the appropriate level of environmental review in accordance with the California Environmental Quality Act and Guidelines;
2. Adoption of Findings of Fact for approval of the Rezone as presented in the staff report; and
3. Approval of the Rezone in accordance with the Conditions of Approval as presented in the staff report.

MOTION: Holmes/ Hanley/ Approved 4:0 (Kirby absent)

10. **Auburn Transit Fare Modification**

Transit Manager Megan Siren presented this report (information available in staff report). She said in regional fare comparison, Auburn is currently the lowest. She said the fare modification includes increasing the general public cash fare from \$.80 to \$1.00 and decreasing the senior/disabled/youth cash fare to \$.50, eliminating the 9 ride pass but implementing senior/disabled/medi-care non cash passes. She said the new fares are proposed to be effective February 1, 2012. She reviewed all the fare modification notices and where they were posted.

Council Member Hanley asked about the modifications proposed and behavioral changes effecting ridership.

Mayor Nesbitt asked about the new rate compared to other transit fares in our region.

Megan Siren said with the proposed increase, Auburn Transit is still the lowest fare in our area.

Council Member Hanley suggested staff send the comparison chart to The Auburn Journal for information.

Conduct a public hearing and by **RESOLUTION 11-127**, modify Auburn Transit's fares.

MOTION: Powers/ Hanley/ Approved 4:0 (Kirby absent)

REPORTS

11. City Council Committee Reports

Council Member Powers reported on November 30th the Auburn Airport Business Park Association held their monthly meeting. She acknowledged the President of the Association, Richard Anderson, for his hard work at the airport. She announced that they will be meeting soon to discuss the "Industry 2012" marketing event.

Council Member Holmes reported that the Auburn Arts Commission is working diligently on the mural to be placed on the wall at Depoe Bay. He reported the Bureau of Reclamation and California Parks and Recreation have come to a long term agreement on the operation of the Auburn State Recreation Area. He said this agreement could be formally signed by January of 2012. He also reported on a briefing held at the Sierra Economic Development Corporation meeting last week.

Council Member Hanley reported on numerous activities that Sacramento Area Council of Governments (SACOG) is currently involved in.

Mayor Nesbitt reported on the Economic Development Commission and The Capital Corridor. He explained the importance of the Council's involvement on committees and commissions.

COUNCIL BUSINESS

11a. Assembly Bill 109- Public Safety Realignment

Police Chief John Ruffcorn presented this item (information in staff report). He explained that the Community Corrections Partnership (CCP) committee will be responsible to develop and vote on a plan to effectively manage AB 109 and prison realignment. He said the plan must be deemed accepted by the County Board of Supervisors.

Council Member Powers clarified the requirements of the vote by the Board of Supervisors.

Chief Ruffcorn said the plan will pass at the Board of Supervisors with at least 2 members support. He said it does not require a majority.

Council Member Holmes asked about the ad hoc committee and officer involvement in neighboring cities.

Chief Ruffcorn said two Council Members would sit on this ad hoc committee. He said both Rocklin Police Department and Roseville Police Department would be assigning an officer to this task force.

Council Member Hanley about the overall funds coming to the County and the allocation between other departments.

Chief Ruffcorn said, in the district attorney's plan, all the agencies represented get a portion of the funds. He said the appointed Auburn Police Officer would be within the current allotment of officers; and would not require a new hire.

By **MOTION**, establish an ad hoc committee to contact Placer County Board of Supervisors for the purpose of promoting and supporting funding frontline law enforcement using AB109 monies.

MOTION: Hanley/ Holmes/ Approved 4:0 (Kirby absent)

Mayor Nesbitt appointed Council Member Powers and Council Member Holmes to the ad hoc committee.

12. **Auburn Recreation District Report to Council**

Kahl Muscott, District Administrator at the Auburn Recreation District (ARD) and Joe Fecko, Administrative Services Manager at ARD presented this item (report available in the City Clerk's office). He reviewed projects in Fiscal Year 2011/12 which included the ADA Ramp in the Recreation Park Lobby, Tree Planting, and Irrigation Improvements at Railhead Park. He reviewed projects to be completed in Fiscal Year 2012/13 including Recreation Park gym floor replacement, Railhead shade structure/landscape improvements, and Railhead Park Field "B" renovation. He said none of the projects in Fiscal Year 2011/12 or Fiscal Year 2012/13 would be completed using City Park Mitigation Fees.

Council Member questions followed regarding: (1) mitigation fees not utilized, (2) future projects using mitigation funds, (3) fiscal year, and (4) additional parking at Railhead Park.

13. **2-1-1 Placer County**

City Manager Robert Richardson introduced this item. He introduced Craig George and Reverend Barbara Smith, from the steering committee for the 2-1-1 community service phone number.

Craig George explained what 2-1-1 is and how it can be used. He highlighted many benefits of the 2-1-1 service. He said in year 2000 Congress mandated the phone number 2-1-1 be universally implemented

throughout the United States; although they did not fund the implementation.

Reverend Barbara Smith spoke about how 2-1-1 can help City employees by having a reference number to send callers needing information not available within City Hall. She also spoke about the importance of 2-1-1 in an emergency.

Craig George said they are not asking the Council for funding; they would like a letter of endorsement from the Auburn City Council.

Council Member questions followed: (1) call center location, (2) database, (3) endorsements from neighboring agencies, (4) cost, (5) grant funding, (6) state mandate to connect line for emergencies, (7) and call transferability.

Jeff Massaglia, resident of Auburn, spoke in opposition of a 2-1-1 system.

Council Member Holmes said he would like to see what the Board of Supervisors does when they hear this item.

A draft endorsement letter will be sent to the City Manager for possible signature.

14. **Assembly Bill 109- Public Safety Realignment**

Moved to 11a.

14a. **Auburn Airport and Business Park Monument Sign**

Public Works Director Bernie Schroeder presented this item. She reviewed the specifications and engineering design of the monument sign. She said she would like to solicit additional bids, secure permits from Placer County (on their property), and then bring the project back to City Council for approval of the final bid. She said the sign is estimated to cost \$15,000.

Council Member Powers explained the background of the Auburn Airport Business Park Association. She said the goal of the sign is to solicit and recognize the airport region as a source of commerce. She said in the future they would like to also put a sign on Locksley and Highway 49. She said this is a joint effort with the City, County, Chamber and the Associations at the Airport.

Council Member Holmes clarified the County's commitment to installing a sign at Locksley and Hwy. 49. He also asked about the County's permission to install a sign at New Airport Road and Bell Road.

Council Member Powers said in order to submit an application to the County, a concept must be "stamped" by an engineer showing the design. Bernie Schroeder said the encroachment permits should be applied for once the Council has decided to move forward with a monument sign.

Council Member Hanley asked about the changes that occurred to the design concept in regards to the stabilizer.

She also said the design concept has changed slightly due to the receipt of the actual materials to be used (stabilizers).

Council Member Hanley asked the reason for not having lighting designed for the sign and how the color features were decided.

Richard Anderson, president of Auburn Airport Business Park Association and President of TGH Aviation spoke about the benefits of the monument sign for the Airport. He also explained the changes to the original design. He said a vast majority of businesses in the business park operate during the day only, and lighting was not considered.

Council Member Hanley asked if a letter should be sent to the County to waive the fees associated with this project.

Richardson Anderson said he would like a letter to be sent and he thinks they would be receptive to the idea.

Steve Adams, resident of Auburn and business owner in Airport Business Park, spoke in favor of the monument sign. He said the monument is a "catalyst" to get the business park going.

Council Member comments followed regarding the importance of the Airport Business Park Association and supporting the businesses located there.

By **MOTION**, authorize staff to solicit bids for the construction of the Auburn Airport and Business Park monument sign to be located at the Bell Road and New Airport Road intersection and direct staff to send a letter from the Mayor to the Placer County Board of Supervisors requesting a waiver of permit fees for this project.

MOTION: Hanley/ Holmes/ Approved 4:0 (Kirby absent)

By **MOTION**, further explore an inexpensive lighting feature for the Airport Monument Sign.

MOTION: Nesbitt/ Holmes/ Approved 4:0 (Kirby absent)

15. **Mount Quarries Railroad Bridge**

Council Member Holmes presented this item. He said in March of 2012 the Mount Quarries Railroad Bridge will be celebrating its 100th anniversary. He said there will be a number of events to help celebrate this event. He said this resolution is to recognize this event.

Mike Lynch, resident of Auburn and State Park Superintendent at the Auburn State Recreation Area, offered a historical perspective of the bridge and highlighted some upcoming events.

Michael Otten, resident of Auburn and President of Placer County Historical Society, also gave a brief history of the bridge.

Council Member Hanley asked about the damage to the bridge during flooding in the 1990's. Both Michael Otten and Mike Lynch addressed this.

By **RESOLUTION 11-128**, recognize the 100th anniversary of the opening of the Mountain Quarries Railroad Bridge and Mountain Quarries Railroad.

MOTION: Holmes/ Powers/ Approved 4:0 (Kirby absent)

16. **Auburn Municipal Airport Capital Improvement Plan 2012-2017**

Public Works Director Bernie Schroeder presented this item (CIP available in the City Clerk's office). She said the plan is specific to enhancing safety, providing security, and making operational improvements at the Airport. She reviewed projects including in the CIP. She said these projects are covered 98% by grant monies (federal and state).

Council Member Hanley asked about staff's prioritizing of perimeter fencing.

Bernie Schroeder said the pilots expressed they prefer the openness of the Auburn Airport but she said the Federal Aviation Administration's main concern in requiring fencing is to keep wildlife and motor vehicles off the runway surface.

Council Member Holmes said he attended the 5AC meeting where this was presented by Bernie Schroeder and he said he felt there was general agreement on the direction of this plan.

By **MOTION**, authorize the Director of Public Works or her designee to submit the Auburn Municipal Airport Capital Improvement Plan 2012-2017 to the Federal Aviation Administration.

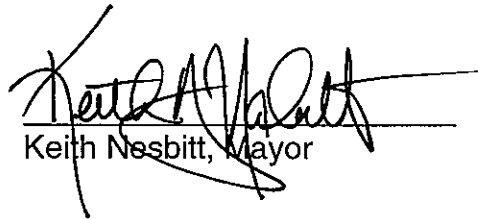
MOTION: Holmes/ Hanley/ Approved 4:0 (Kirby absent)

17. **Auburn Airport and Business Park Monument Sign**

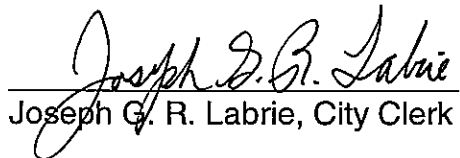
Moved to 14a.

ADJOURNMENT

Mayor Nesbitt adjourned the meeting, without objection, at 8:20 p.m.



Keith Nesbitt, Mayor



Joseph G. R. Labrie, City Clerk